

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

<b>Affidavit in Support of Application for Issuance of a Criminal Complaint and Arrest Warrant</b>	)	Case No. 2:22mj 193
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**Introduction and Agent Background**

I, Justin Terry, being duly sworn, hereby depose and state:

1. I am a Special Agent with the United States Department of Justice, Federal Bureau of Investigation (FBI). I have been employed by the FBI as a Special Agent since January 2017. As such, I am an “investigative or law enforcement officer of the United States” within the meaning of Title 18, United States Code, § 2510(7). That is, I am an officer of the United States, who is empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in Title 18, United States Code, § 2251, *et. seq.* In the course of my duties, I am responsible for investigating crimes which include, but are not limited to, child exploitation and child pornography. I have previously been involved in criminal investigations concerning violations of federal laws. Since joining the FBI, your affiant has received specialized training in kidnapping and violent crimes against children investigations.

2. This affidavit is made in support of an application for a criminal complaint charging ETHAN ROBERTS with violations 18 U.S.C. §§ 2252(a)(2), 2422(b), 2423(a), and 2423(b). This affidavit is based upon information that I have gained from my investigation, my training and experience, as well as information gained from conversations with other law enforcement officers. Since this affidavit is being submitted for the limited purpose of securing a

search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause ETHAN ROBERTS attempted to violate 18 U.S.C. § 2252(a)(2), 2422(b), 2423(a), and 2423(b).

**Offenses**

3. 18 U.S.C. § 2252(a)(2) prohibits a person from knowingly receiving or distributing, using any means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, any visual depiction of minors engaging in sexually explicit conduct.

4. 18 U.S.C. § 2422(b) prohibits a person from, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense.

5. 18 U.S.C. § 2423(a) prohibits a person from knowingly transporting an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense.

6. 18 U.S.C. § 2423(b) prohibits a person from knowingly travelling in interstate commerce or travels into the United States, or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce, with a motivating purpose of engaging in any illicit sexual conduct with another person.

7. Virginia Code § 18.2-374.1(B) prohibits a person from accosting, enticing or soliciting a person less than 18 years of age with intent to induce or force such person to perform in or be a subject of child pornography; or producing or making or attempting or preparing to produce or make child pornography; or from knowingly taking part in or participates in the filming, photographing, or other production of child pornography by any means; or knowingly financing or attempting or preparing to finance child pornography.

**PROBABLE CAUSE**

8. On August 8, 2022, the Norfolk Police Department (NPD) was contacted by family members who advised officers that they had not seen their 15-year-old daughter, hereinafter referred to as JANE DOE, since August 3, 2022. The investigation revealed that JANE DOE was last seen by family and friends on August 3, 2022.

9. JANE DOE's mother stated to NPD officers that JANE DOE was risk adverse, very introverted, and did not leave the residence unless it was to take short walks with her brother or to stay at a friend's house in Virginia Beach, Virginia. It was not unusual for JANE DOE to stay in her room for long periods of time, only leaving to use the restroom and obtain food. JANE DOE's mother stated that JANE DOE did not go to school because of social anxiety due to bullying. JANE DOE was known by friends and family to be very active on the Internet and to communicate with numerous unknown individuals online across multiple social media platforms.

10. Investigators conducted interviews with members of JANE DOE's family and with her friends. It was determined that none of the interviewed parties had been able to make positive contact in person or electronically with JANE DOE since August 3, 2022.

11. JANE DOE had no history of running away. There were no recent fights or arguments with family members or friends, nor any other known negative incident that could be an explanation for JANE DOE voluntarily leaving. Friends and family members reported to investigators that JANE DOE was in good spirits recently and had been making future plans to spend time with friends to celebrate one of the friend's birthdays.

12. JANE DOE was a prolific user of social media, and law enforcement obtained exigent requests to review the logins records and associated IP Addresses used to access various accounts associated with JANE DOE. Legal processes were also obtained to review content from JANE DOE's social media accounts. In total, approximately 20 social media accounts were reviewed for activity. No account activity was located that could be attributed to being used by JANE DOE after August 3, 2022.

13. JANE DOE's friends and family reported that JANE DOE had been secretive recently about an individual that she had been talking to on an electronic messaging platform. JANE DOE's friends believed that the platform was Snapchat, however, the friends that observed this activity believed that JANE DOE was using a newly-created Snapchat user account to communicate with this individual because the notification tone was different than her usual notification tone. On multiple occasions, JANE DOE would receive a notification tone from this individual on her phone and walk into another room to respond without her friends nearby.

14. Upon searching JANE DOE's bedroom, JANE DOE's family determined that her cellular phone and Nintendo Switch gaming system were both missing. JANE DOE's Nintendo Switch charger was also missing from the residence.

15. Prior to JANE DOE's disappearance, JANE DOE utilized the online features of the Nintendo Switch, called Nintendo Switch Online, which allowed her to play games with other players over the Internet and to add other Nintendo Switch player accounts as "friends". On August 8, 2022, approximately five days after JANE DOE's disappearance, one of JANE DOE's friends observed account activity on JANE DOE's Nintendo Switch Online account. This activity showed that JANE DOE's Nintendo Switch had utilized the YouTube application for approximately five hours sometime between August 8, 2022, and August 9, 2022. Additionally, an individual with control of JANE DOE's Nintendo Switch Online account changed the user account icon, account nickname, and "unfriended" the Nintendo account belonging to JANE DOE's friend.

16. On August 12, 2022, a friend of JANE DOE that could still see JANE DOE's Nintendo Switch Online account saw that JANE DOE's account logged 25 additional hours of time on YouTube and had downloaded a new game, Little Nightmares, that JANE DOE had previously said she wanted.

17. On August 12, 2022, data received from Nintendo pursuant to an exigent request indicated that JANE DOE's Nintendo Switch had recently connected to Wifi access point utilizing a public SSID named "Residence-Tolleson-Cox".

18. An exigent request was made to Cox Communications for account information associated with the MAC address of the router that JANE DOE's Nintendo Switch connected to.

19. Additional data was obtained from Nintendo that indicated that JANE DOE's Nintendo Switch had consistently connected to her home Wifi network in Norfolk, VA until August 3, 2022. The Switch was then offline until August 6, 2022, when the Switch went back online and began accessing the Internet using IP address 24.120.111.230.

20. Cox Communications was provided with this IP address and returned the following subscriber information for 24.120.111.230: Siegel Suites Tolleson, 1204 N 91st Ave, Tolleson, AZ 85353.

21. On August 14, 2022, FBI agents observed a white male subject enter Apartment 10903 at Siegel Suites Tolleson, a location believed by agents to possibly be the location where JANE DOE was located. Police Officers from the Tolleson Police Department conducted a welfare check at Apartment 10903 and located JANE DOE inside of the apartment with ETHAN ROBERTS.

22. On August 14, 2022 Officers from the Tolleson Police Department interviewed ETHAN ROBERTS. ROBERTS disclosed he met JANE DOE approximately six to eight months ago online. ROBERTS stated he sent explicit pictures of himself to include pictures of his erect penis via SnapChat. JANE DOE sent fully nude images of her breast and vagina via SnapChat to ROBERTS. ROBERTS admitted to taking a Greyhound bus to Norfolk, Virginia to meet JANE DOE and then they both took a Greyhound bus back to Phoenix, Arizona together. ROBERTS admitted JANE DOE performed oral sex on him on multiple occasions. ROBERTS performed oral sex on JANE DOE.

23. On August 15, 2022, Search Warrant SW2022-110301 was signed in Maricopa County Superior Court by Honorable Judge Tara Prochko for 1204 North 91st. Avenue, Apartment 10903, Tolleson, Arizona 85353. The search recovered copies of Greyhound bus

tickets for ETHAN ROBERTS departing Phoenix, Arizona on August 1, 2022 at 7:20 a.m. and arriving in Norfolk, Virginia on August 3, 2022 at 10:25 p.m.

24. On August 16, 2022 JANE DOE's mother K.M. provided FBI Norfolk with written consent to search JANE DOE's iPhone. A search of the iPhone recovered the following information:

- a. Six phone calls via SnapChat with contact "Ethan Roberts".
  - i. July 31, 2022 5:55:56 A.M. UTC, Duration 2:01 minutes.
  - ii. July 31, 2022 5:52:15 A.M. UTC, Duration 3:37 minutes.
  - iii. July 31, 2022 5:13:43 A.M. UTC, Duration 33:35 minutes.
  - iv. July 30, 2022 12:58:58 P.M. UTC, Duration 22:55 minutes.
  - v. July 29, 2022 12:46:33 P.M. UTC, Duration 44:38 minutes.
  - vi. July 27, 2022 5:41:59 A.M. UTC, Duration five seconds.
- b. JANE DOE's search history revealed on July 31, 2022 at 5:42:13 A.M. UTC, JANE DOE searched "280 Park Ave, Norfolk, VA 23510." The latter address is the registered address for the Amtrak Bus Station next to Harbor Park.
- c. One video titled, **temp0.mov**, approximately one second in length dated June 18, 2022, depicting a nude female's breast and stomach matching JANE DOE's complexion.

25. On August 16, 2022, JANE DOE was interviewed by a FBI Child Adolescent Forensic Interviewer. JANE DOE disclosed that she met ROBERTS in January 2022, when she was 14 years old, on Omegle, an online chatting platform. JANE DOE informed ROBERTS she was 14 years old. After a couple days of talking the two began utilizing SnapChat and Discord, two additional online applications utilized for communication.

26. During the approximately seven months of online communication, JANE DOE sent sending explicit images, including of her vaginal area, to ROBERTS at his request. ROBERTS sent nude images of himself to JANE DOE.

27. According to JANE DOE, when ROBERTS came to Norfolk, she met him at a Dollar Tree and the two took a Lyft to a hotel in Norfolk. The hotel had no available rooms so the two walked to the bus station. ROBERTS touched JANE DOE under her skirt on her genitalia and anus. JANE DOE preformed oral sex on ROBERTS behind a tree by the train tracks.

28. Surveillance video from the Wyndham Garden hotel located at 700 Monticello Avenue, Norfolk, Virginia, 23510 depicts ROBERTS and JANE DOE exiting a Lyft and entering the hotel lobby at approximately 11:37 P.M. on August 3, 2022.

29. On August 4, 2022, ROBERTS and JANE DOE took a Greyhound Bus from Norfolk, Virginia to Phoenix, Arizona. Throughout the multiple day trip, JANE DOE disclosed ROBERTS touched her under her clothes on her genitalia and anus. Once ROBERTS and JANE DOE arrived at his apartment in Tolleson, Arizona, the two showered together. JANE DOE preformed oral sex on ROBERTS. Following the shower, the two had vaginal sexual intercourse in ROBERTS' bed.

30. JANE DOE disclosed that sometime between August 6, 2022, and August 14, 2022, ROBERTS instructed JANE DOE to meet individuals online using Omegle and sell nude images of herself to them via SnapChat. JANE DOE provided those individuals with ROBERTS' CashApp account for payment.

**CONCLUSION**

31. Based on the facts set forth above, I believe probable cause exists that Ethan ROBERTS has violated 18 U.S.C. §§ 2422(b), 2423(a), 2423(b), and 2252(a)(2). Specifically:

COUNT ONE: Between on or about January 1, 2022, and August 3, 2022, ETHAN ROBERTS using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly persuaded, induced, enticed, or coerced Jane Doe who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, namely Va. Code § 18.2-374.1(B), in violation of 18 U.S.C. § 2422(b).

COUNT TWO: Between on or about August 3, 2022, and August 6, 2022, ETHAN ROBERTS knowingly transported an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory or possession of the United States, with intent that the individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, namely Va. Code § 18.2-374.1(B), in violation of 18 U.S.C. § 2423(a).

COUNT THREE: Between on or about August 3, 2022, and August 6, 2022, ETHAN ROBERTS knowingly traveled in interstate commerce with a motivating purpose of engaging in any illicit sexual conduct with Jane Doe, in violation of 18 U.S.C. § 2423(b).

COUNT FOUR: Between on or about January 1, 2022, and August 3, 2022, ETHAN ROBERTS knowingly received, using a means or facility of interstate or foreign commerce or that has been mailed, shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed, shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any

means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce or through the mails, a visual depiction of a minor engaging in sexually explicit conduct, in violation of 18 U.S.C. § 2252(a)(2).

32. Accordingly, I request that a complaint and arrest warrant be issued charging ETHAN ROBERTS with such offenses.

FURTHER AFFIANT SAYETH NOT.



Justin Terry  
Special Agent  
Federal Bureau of Investigation  
Norfolk, Virginia

Subscribed and sworn before me this 22nd day of August, 2022, in the City of Norfolk, Virginia.

  
UNITED STATES MAGISTRATE JUDGE